

~~ORIGINAL~~

Attorney Docket No. Le A 32 805

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hagen, et al.

Serial No.: 09/582,246 [National State Filing of PCT/EP98/08216]

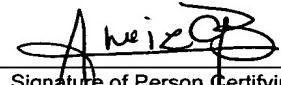
Filed: 22 June 2000

For: Regulatory DNA Sequences of the Human Catalytic Telomerase Sub-unit Gene,
Diagnostic and Therapeutic Use Thereof

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to BOX PCT, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: SEP 19 2000


Signature of Person Certifying / Beatriz Alviz

**BOX PCT
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231**

**COMPLETION OF FILING REQUIREMENTS
FOR ACCPETANCE OF INTERNATIONAL APPLICATION ENTERING NATIONAL
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. 371**

This replies to the Notice of Missing Requirements under 35 U.S.C. section 371 (Form PCT/DO/EO/905) mailed on 6 July 2000. A copy of Form PCT/DO/EO/905 accompanies this response.

NOTICE OF DEFECTIVE TRANSLATION

The Notice of Defective Translation indicates that the number of pages in the drawings of the translated copy submitted by Applicants are five and numbered as 5/5, but the number of pages in the drawings of the international application are fifteen and numbered 15/15.

Due to a clerical error, the translated set of drawings originally filed with the request for entry into the national phase were those of the priority application DE 197 57 984.1, filed on 24 December 1997, which had only five figures.

As requested by the DO/US, submitted herewith is the translation of the drawings as originally filed for this international application. Enclosed are 15 sheets of drawings correctly numbered 15/15.

09/22/2000 SSALEEK1 00000030 133372 09582246
01 FC:116 380.00 CH

EXTENSION OF TIME

The proceedings herein are for a patent application. The provisions of 37 C.F.R. section 1.1 36(a) apply. Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. section 1.17(a)(1)-(4), for two months.

Fee \$ 380.00

TOTAL FEE DUE

The total fee due with this response is:

Completion fee(s)	\$ 0.00
Extension fee	\$ 380.00
TOTAL FEE DUE	\$ 380.00

PAYMENT OF FEES

Charge Account No. 13-3372 in the amount of \$380.00. A duplicate of this request is attached.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

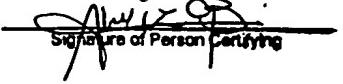
The Commissioner is hereby authorized to charge any fees that may have been overlooked but that are required to Deposit Account 13-3372. Additionally, please credit any overpayment to the same account.

Respectfully submitted,

Date: Sept. 18, 2000



Jerrie L. Chiu
Registration No. 41,670
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West Haven, CT 06516
Telephone: 203-812-3964
Facsimile: 203-812-5492

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE <small>(REV 11-98)</small>		ATTORNEY'S DOCKET NUMBER LEA 32 805
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known. see 37 CFR 1.5) 09/582,246
INTERNATIONAL APPLICATION NO. PCT/EP98/08216	INTERNATIONAL FILING DATE 22 December 1998 (22.12.98)	PRIORITY DATE CLAIMED 24 December 1997 (24.12.97)
TITLE OF INVENTION REGULATORY DNA SEQUENCES OF THE HUMAN CATALYTIC RELOMERASE SUB-UNIT GENE, DIAGNOSTIC AND THERAPEUTIC USE THEREOF		
APPLICANT(S) FOR DO/EO/US HAGEN, Gustav; WICK, Maresa; and ZUBOV, Dmitry		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(l). <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11. to 16. below concern document(s) or information included:		
<ol style="list-style-type: none"> <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. <input type="checkbox"/> A substitute specification. <input type="checkbox"/> A change of power of attorney and/or address letter. <input checked="" type="checkbox"/> Other items or information: <ol style="list-style-type: none"> 1) Completion of Filing Requirements in Response to Notice of Defective Translation with Petition and Fee for 2 Months Extension of Time [IN DUPLICATE]; 2) Copy of Notification of Missing Requirements under 35 U.S.C. 371; 3) 15 sheets of translated drawings; and 4) Return Receipt Post Card. 		
<p align="right">CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8</p> <p>The undersigned hereby certifies that this paper and any papers referred to as attached are being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on this <u>10/17</u> day of <u>September</u>, 2000.</p> <p align="right"> Signature of Person Certifying</p>		

17. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5))

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$970.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$760.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(l)-(4) \$670.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(l)-(4) \$96.00

CALCULATIONS PTO USE ONLY**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(c)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	-20 =		X \$18.00
Independent claims	-3 =		X \$78.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$260.00

TOTAL OF ABOVE CALCULATIONS =

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

TOTAL FEES ENCLOSED =

	Amount to be: refunded	\$
	charged	\$

a. A check in the amount of \$_____ to cover the above fees is enclosed.

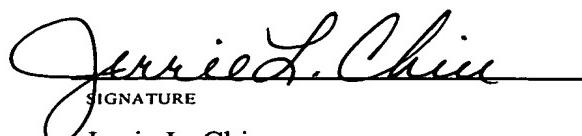
b. Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. _____ A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO

Jeffrey M. Greenman
Vice President, Patents and Licensing
BAYER CORPORATION
400 Morgan Lane
West Haven, CT 06516
US


 SIGNATURE
 Jerrie L. Chiu
 NAME
 41,670
 REGISTRATION NUMBER



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.

ATTACHMENT TO FORM PCT/DO/EO/

09/582246

NOTICE OF DEFECTIVE TRANSLATION

The received translation is defective because:

- (1) The text in the drawings has not been properly translated;
- (2) The number of claims in the International Application and the number of claims in the translation are not the same;
- (3) The translation of the International Application is incomplete as a number of pages are missing;
- (4) Other.

THE NUMBER OF PAGES IN THE DRAWINGS OF THE TRANSLATED COPY ARE FIVE AND NUMBERED AS 5/5, BUT THE NUMBER OF PAGES IN THE DRAWINGS OF THE INTERNATIONAL APPLICATION ARE FIFTEEN AND NUMBERED AS 15/15.

CHRISTINE WASHINGTON

Telephone: 703-305-3752